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BY ECF

April 22, 2022

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: United States v. Nickolas Sharp
21 CR 714 (KPF)

Your Honor:

I represent the defendant in the above referenced matter. Pre Trial Services in Portland, Oregon is supervising Mr. Sharp at the request of SDNY. Pre Trial Services in Portland is requiring the Court to grant specific permission to travel from Portland to New York to review discovery for a second time (because of protective order restrictions) at my law office from May 8, 2022 through May 10, 2022.

Even though the defendant is permitted to travel by way of previous court order (see Conditions of Release form) and freely move within the district where he lives (Portland, Oregon) as well as move freely throughout the SDNY, the pre-trial officer in Portland has advised us that the ankle monitoring service is requiring a letter from this Court to verify such permission each time he leaves the jurisdiction.

Lastly, because of the voluminous amounts of discovery and the fact that counsel must have face to face meetings to preserve the attorney client privilege about sensitive matters, review of the discovery has been limited by these restrictions. We ask that the April 27, 2022 conference at 10am be adjourned to give the defendant additional time to review the material before deciding what motions, if any, need be filed. The Government consents to the adjournment.

We ask the conference be adjourned to June 1, 2, or 3 depending on the Court's availability.

Respectfully,
/s/Matthew D. Myers
Attorney at Law

Cc: AUSA Vladislav Vainberg

Application GRANTED.

For the reasons stated above, the conference scheduled for April 27, 2022, is hereby ADJOURNED to **June 3, 2022, at 12:00 p.m.**

Additionally, based on its communications with counsel for the Government and Mr. Sharp, the Court understands that the Government is requesting that time be excluded under the Speedy Trial Act and that Mr. Sharp consents to the exclusion. Accordingly, it is ORDERED that time is excluded under the Speedy Trial Act between April 27, 2022, and June 3, 2022. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and Mr. Sharp in a speedy trial because it will permit Mr. Sharp and defense counsel to continue to review discovery and decide whether to file any pretrial motions.

Lastly, the Clerk of Court is directed to terminate the motion at docket entry 21.

Dated: April 26, 2022
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE